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DOI:

[10.1080/23340460.2018.1507286](https://doi.org/10.1080/23340460.2018.1507286)

Document Version

Peer reviewed version

[Link to publication record in King's Research Portal](#)

Citation for published version (APA):

Voltolini, B. (2018). France and the Israeli occupation: Talking the talk, but not walking the walk? *Global Affairs*, 4(1), 51-63. <https://doi.org/10.1080/23340460.2018.1507286>

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France and the Israeli occupation: Talking the talk, but not walking the walk?

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Abstract

This article examines the rhetoric-practice gap in French foreign policy vis-à-vis Israel's occupation of the Palestinian territories. It shows that France has maintained a rather stable rhetorical position on the Israeli-Palestinian conflict and the Israeli occupation since 1967, based on the condemnation of Israeli settlements in these areas, and the recognition of the Palestinian right to self-determination which, over time, has been crystallised in the French support for the two-state solution. However, in practice France has fallen short of implementing and enforcing measures and policies aimed at the non-recognition of Israeli settlements. France tries to push for the two-state solution internationally, while adopting an accommodating approach towards the occupation when it comes to its bilateral relations with Israel.

Introduction

The Middle East has always played an important role in French foreign policy and the Israeli-Palestinian conflict has often been defined as '*une passion française*' (Sieffert, 2004). Not only does the situation in Israel and Palestine come high on the political agenda, but it has also had a great deal of resonance among French politicians, diplomats, intellectuals and public opinion (Benraad, 2014; Gresh & Aldeguer, 2017). This is not at all surprising, given the presence of important Jewish and Muslim communities in France, of a large French-speaking community in Israel, as well as French history, marked by its colonial past, the legacies of World War II and the collusion of the Vichy regime with the Nazi enterprise (Gresh & Aldeguer, 2017; Interview 1, 7).

French foreign policy vis-à-vis the Israeli-Palestinian conflict has been characterised by interweaving strands. On the one hand, since 1967 the French position vis-à-vis the Israeli-Palestinian conflict and the Israeli occupation of the West Bank, Gaza Strip, East Jerusalem and the Golan Heights has been rather stable, with minor adjustments over time. This stance is based on the condemnation of Israel's occupation and the building of settlements in these areas, and the recognition of the Palestinian right to self-determination which, over time, has crystallised in the French support for the two-state solution. This consistent and principled rhetoric has been strongly promoted internationally, both at the United Nations (UN) and within the European Union (EU), often leading to portraying France as a pro-Arab and pro-Palestinian actor. On the other hand, French-Israeli relations have fluctuated over time. Bilateral ties were strong during the IV République, cooled down in the early 1960s and became tense after 1967. Only in the mid-2000s diffidence and tension were superseded in favour of a renewed rapprochement and a discourse of friendship, cooperation and alliance.

The tension between these two strands is partially solved by playing on different stages. At the international and European level France has been particularly active in carving out a role in support of the two-state solution and in favour of the Palestinian cause, while it has dealt with

¹ This work was supported by the European Union's Horizon 2020 research and innovation programme under the Marie Skłodowska-Curie grant agreement No. 657949.

Israel mainly via bilateral ties. However, the mismatch between French rhetoric against Israeli occupation of the Palestinian territories and French practice vis-à-vis Israel remains. The implementation and enforcement of measures and policies aimed at the non-recognition of Israeli settlements are at best very partial. France tries to push for the two-state solution internationally, but it adopts a more accommodating approach towards the occupation when it comes to bilateral relations with Israel.

This article aims to provide the reader with a snapshot of this rhetoric-practice gap. First, it offers a historical overview of the French stance, detailing the two interwoven discursive strands mentioned above. In doing so, it highlights how France has maintained a stable position when it comes to the Palestinians and the condemnation of Israeli occupation, while developing since the mid-2000s a discourse leaning towards Israel. Second, it focuses on the partial implementation of its rhetorical stance against Israeli settlements, which leaves open the issue of (indirect) recognition of Israeli occupation (cf. Azarova 2018 in this Special Issue). Finally, the conclusions suggest an explanation for the mismatch between France's rhetorical position and its partial implementation, briefly discussing how the Israeli-Palestinian conflict is turning into a domestic issue (cf. Bicchi 2018 in this Special Issue).

France and Israel's occupation: resistance at the discursive level?

France's position vis-à-vis Israel and the Palestinians is marked by two interwoven discourses. On the one hand, French position vis-à-vis Israel has shifted over time, moving from a strong and almost unconditional alliance in the 1950s and early 1960s, through a phase of tense and distant relations in the following decades, to a renewed discourse of friendship since the mid-2000s. On the other hand, France's stance vis-à-vis the Israeli-Palestinian conflict emerged after the Six-Day war of 1967 and has remained relatively stable since then. This section shows how these two rhetorical positions have evolved and remained strongly interwoven, creating a discursive mismatch between an anti-occupation rhetoric and a more lenient and conciliatory stance towards Israel. The potential tensions emerging from these two strands are only partially solved by carving out different roles for France on the national, EU and UN stages.

During the IV République, France was one of the closest allies of Israel. It recognised the newly created state and establish diplomatic relations in 1949. French-Israeli cooperation was very tight, ranging from scientific to military aspects (Vaïsse, 2009). In the 1950s, France was the main supplier of military equipment to Israel through a number of secret deals that included aircrafts, tanks and ammunitions (cf. Nouzille, 2018; Schillo, 2008). It also played a crucial role in Israel's acquisition of nuclear capabilities through the provision of know-how, material and technology. In a secret agreement signed in 1956 France committed to helping Israel build a nuclear reactor and to providing uranium. Nuclear capabilities were meant for civilian purposes, while military use was conditional upon consultation with, and agreement by, the French government (cf. Nouzille, 2018). At the time, France was the main ally of Israel and the Palestinian question was not yet perceived as a major issue.

However, this strong cooperation and almost unconditional friendship began to be questioned once Charles de Gaulle came to power in 1958. Although the General considered Israel as 'our friend and our ally'² and military cooperation continued (e.g., 72 Mirage were delivered in 1961), he decided for the interruption of nuclear cooperation with foreign countries, including Israel, and for the reorientation of French foreign policy in the region. The end of the war in

² Quoted in Vaïsse, 2009, p. 364.

Algeria in 1962 created more room for manoeuvre for France and de Gaulle took up this opportunity to rebalance French policy with an opening and progressive relaunch of diplomatic relations with the Arab countries (Leveau, 2003; Vaisse, 2009).

A more radical shift in the French-Israeli relationship took place in 1967, with the Six-Day war. De Gaulle had made clear that France would support Israel in case of aggression, but it would not intervene if Israel were to start the hostilities. In his view, Israel was not seriously threatened by its Arab neighbours, and a conflict would have further damaged the balance in the region, with the risk of a much larger war between the US and the USSR (cf. Bozo, 2012; Nouzille, 2018). Once Israel attacked its neighbouring countries, de Gaulle kept his promise by strongly condemning Israel's attack and its occupation of Palestinian territories. In line with this stance, France supported UNSC Resolution 242, refusing any *fait accompli* and requesting the withdrawal of Israel from the occupied territories.³ Subsequent events continued to deteriorate the relations between France and Israel, leading to a cooling down of their bilateral ties.

At the same time as French-Israeli cooperation came to an end, French position vis-à-vis the Israeli-Palestinian conflict began to emerge, becoming the cornerstone of French diplomacy followed by all presidents. Following the 1967 war France was vocal in condemning Israel's occupation and pushing for the recognition of the Palestinian right to self-determination (including the establishment of a state) and of the PLO as representative of the Palestinian people.⁴ It predominantly directed its diplomatic efforts at the European level, with the aim of aligning the then members of the European Economic Community (EEC) to its approach on the Palestinian question (cf. Allen & Pijpers, 1984; Miller, 2011). France thus succeeded in shaping some European joint declarations, such as those in 1973, 1977 and the Venice declaration of 1980, when the then nine EEC members recognised the Palestinian right to self-determination and the need for the PLO to be associated with peace negotiations (Müller, 2012). In 1980 the Europeans also stated that Israel had to put an end to 'the territorial occupation which it has maintained since the conflict in 1967' and that Israeli settlements in the 'occupied Arab [sic] territories' were 'illegal under international law'.⁵

This position continued under François Mitterrand, who came to power in 1981 and was expected to give a more pro-Israel line to French foreign policy due to his personal sympathy for Israel. However, he maintained the established policy vis-à-vis the Israeli-Palestinian conflict and took 'into full consideration the legitimacy of the Palestinian struggle' (Filiu, 2009, p. 40). During his visit to Israel in March 1982, the first of a French president of the V République, Mitterrand proclaimed that there was a strong friendship between the French and Israeli peoples, but he also argued in favour of the rights of the Palestinians to have a state (although he did not mention the issue of the settlements).⁶ It was under Mitterrand that in 1989 the PLO liaison office was upgraded into the Official Delegation of Palestine, while Arafat was invited to Paris (cf. Filiu, 2009; Vaisse, 2009).

Mitterrand's successors also maintained this established and principled position on the occupation and the two-state solution. In line with Gaullist policies, Jacques Chirac (1995-

³ Lots of ink has been spelt on the difference between the French and the English version of the resolution. According to Vaisse (2009), de Gaulle was ready to accept adjustments to the 1967 border, while the Quai d'Orsay had a stricter interpretation, implying the need for a full withdrawal of Israel from all occupied areas.

⁴ France opened the liaison office of the PLO in France in 1975.

⁵ For the full text of the Venice declaration, see:

http://eeas.europa.eu/archives/docs/mepp/docs/venice_declaration_1980_en.pdf

⁶ <http://discours.vie-publique.fr/notices/827006800.html>

2007) pursued a balanced policy in the region, reinforcing ties with Arab countries and confirming French support for the Oslo peace process (Vaisse, 2009). Similarly, Nicolas Sarkozy (2007-2012) and François Hollande (2012-2017) continued to resist Israel's occupation at the rhetorical level and expressed their support for the establishment of a Palestinian state. This was on display at the UN level, where France was able to show its commitment to the two-state solution and the condemnation of Israeli settlements. Paris voted in favour of Palestinian membership to the UNESCO in 2011,⁷ Palestine's upgrade to as a non-member observer state in November 2012⁸ and the display of the Palestinian flag at the UN in September 2015.⁹ More recently, it supported UN Security Council Resolution 2334 of 23 December 2016, in which the Security Council stated that settlements have no legal validity, are a flagrant violation under international law and a major obstacle to the two-state solution. It demanded for an immediate and complete cease of settlement activities, stated that it does not recognise any changes to the Green Line other than those agreed by Israelis and Palestinians, and calls upon all states to distinguish between Israel and the territories it occupied in 1967. Through its permanent representative at the UN, Ambassador François Delattre, France expressed full support for the resolution and saluted it as an important moment thanks to the clarity of the Council's position on the settlements' enterprise.¹⁰

In parallel to this discourse, however, a partial shift in the French position vis-à-vis Israel started to emerge under Chirac. While French-Israeli relations were at times tense during his mandates, he was the first President to recognise the responsibility of the French state during the Vichy regime for the crimes committed against the Jews. In 1996, during a visit to Israel, he stated that 'France and Israel have a privileged relationship'.¹¹ During his second mandate, there was a certain fatigue in pushing the Middle East Peace Process dossier (Interview 1). In contrast, especially since the end of 2004, Chirac tried to re-establish close ties with Israel, also in an attempt to improve French relations with the United States (Interview 6; Nouzille, 2018). In 2005, during a visit by the Israeli Prime Minister Ariel Sharon, France and Israel agreed to establish a France-Israel Foundation to improve their respective images in the two countries.¹²

Chirac's successors strengthened this rhetoric of friendship and alliance with the State of Israel. Sarkozy (2007-2012) openly expressed his sympathy for Israel even before becoming President in 2007. This is likely to be related to his personal experience (Nouzille, 2018) as well as the influence of the so-called *néocons à la français*, a group of people that considered the alliance with the US, and hence with Israel, a key and strategic priority for France (Interviews 1, 2).¹³ Demonstrating profound attention to the French Jewish community, Sarkozy was the first President to go to the annual dinner organised by the *Conseil Représentatif des Institutions Juives de France* (CRIF), which has now become a place-to-be for French politicians. At the political level, an annual strategic dialogue between the Secretary-Generals of the Foreign

⁷ <http://www.reuters.com/article/us-palestinians-unesco-idUSTRE79U1ZY20111101>

⁸ <https://www.un.org/press/en/2012/ga11317.doc.htm>

⁹ <https://www.un.org/press/en/2015/ga11676.doc.htm>

¹⁰ <https://www.diplomatie.gouv.fr/fr/dossiers-pays/israel-territoires-palestiniens/processus-de-paix/evenements/article/proche-orient-explication-de-vote-de-francois-delattre-representant-permanent#>

¹¹ <http://discours.vie-publique.fr/notices/967015700.html>

¹² 'PM Sharon visit herald symbolic upturn in French-Israeli relations', telegram of the US Embassy in Paris, 01/08/2005, available at: https://wikileaks.org/plusd/cables/05PARIS5263_a.html; cf. <http://www.fondationfranceisrael.org/qui-sommes-nous/missions>

¹³ The influence of this group of people is particularly evident on the Iranian nuclear proliferation dossier (cf. Pouponneau, 2015). According to one diplomat, the sway exerted by the *neocons* is less significant in the case of Israel-Palestine (Interview 7; but see Nouzille 2018 for a different account).

Ministries of France and Israel started in 2009.¹⁴ Similarly, military cooperation was strengthened, covering both technological and operational aspects (Nouzille, 2018). Since 2000 numerous branches of French firms have been established in Israel, employing more than 6,000 people in sectors such as energy, consumer goods, infrastructure, health, transport, etc.¹⁵ Moreover, French investments have more than tripled since 2006.

Hollande (2012-2017) continued the policy initiated by his predecessor. During a visit to Israel in 2013, he declared his friendship to Israel and that he would always find a 'chant d'amour' for Israel and his leaders (Gresh & Aldeguer, 2017).¹⁶ Most importantly, despite France's continued rhetorical support for Palestinian self-determination, Paris fell short of recognising Palestine as a state. The government did not follow up on a resolution in favour of recognition of the Assemblée Nationale in December 2014 (339 votes in favour, 151 against).¹⁷ The government did not keep the promise made in January 2016 by the then foreign ministry Laurent Fabius, who declared that the French government was ready to recognise the Palestinian state, if diplomacy failed to lead to a solution.¹⁸ France indeed organised two international conferences on the Middle East, in June 2016 and January 2017, with the clear goal of relaunching the peace process. Although the situation between Israel and Palestine did not change, it was an opportunity for the international community to clearly state its position on the conflict (also vis-à-vis the Israeli government), the last time in which it was possible to reach a united stance within the international community on the dossier (Interview 7). Yet, despite the diplomatic failure to advance peace in the region, France did not follow up on Palestinian recognition, mainly due to Hollande's opposition, who considered the decision politically too costly and as hampering any possibility for France to be a mediator (Interviews 2, 7).

Elected in May 2017, Emmanuel Macron has yet to clearly define its policy vis-à-vis the conflict. He has maintained a strong opposition to Israeli settlements, while also stressing the importance of French-Israeli bilateral relations. For example, in a press conference with Israeli Prime Minister Benjamin Netanyahu on 10 December 2017, Macron said that France considers the US's declarations on the recognition of Jerusalem 'contrary to international law and dangerous to peace'.¹⁹ At the same time, however, he also reaffirmed the 'special relationship' between France and Israel, to which France is 'strongly attached'.²⁰

Therefore, while the rhetoric in favour of the two-state solution and against Israeli occupation has remained stable since 1967, the French position vis-à-vis Israel has fluctuated. The tensions at times emerging from these two strands have partially been solved by acting diplomatically

¹⁴ <https://www.diplomatie.gouv.fr/en/country-files/israel-palestinian-territories/israel/france-and-israel/presentation/>

¹⁵ As documented by numerous NGOs, numerous French companies are involved in the settlement industry (cf. www.whoprofits.org). For example, Alstom, Systra and Egis Rail are involved in the construction of the Jerusalem Light Rail (Veolia was involved, but then withdrew from it) (http://www.france-palestine.org/IMG/pdf/20180524_tramwaypalestine_livret_final_b.pdf). Similarly, French banks finance Israeli banks or settlement activities (<http://www.france-palestine.org/Les-liaisons-dangereuses-des-banques-et-assurances-francaises-avec-la>). See also Martins (2018) in this special issue.

¹⁶ http://www.lepoint.fr/monde/pourquoi-hollande-defend-corps-et-ame-israel-18-11-2013-1758330_24.php; <http://www.bfmtv.com/politique/francois-hollande-chant-damour-israel-654824.html>

¹⁷ <http://www.assemblee-nationale.fr/14/ta/ta0439.asp>

¹⁸ https://www.francetvinfo.fr/monde/proche-orient/israel-palestine/video-laurent-fabius-la-reconnaissance-de-la-palestine-c-est-un-droit-pas-un-passe-droit_763967.html

¹⁹ <http://www.elysee.fr/declarations/article/transcription-de-la-conference-de-presse-du-president-de-la-republique-emmanuel-macron-et-du-premier-ministre-israelien-benjamin-netanyahu/>

²⁰ Ibid.

at the international and European level when it comes to the Israeli-Palestinian conflict, while working at the bilateral level when it comes to Israel. As the next section will show, however, this has not addressed the mismatch between the rhetoric of resistance to Israeli occupation and the French bilateral policy practice.

France and Israeli settlements in practice

Despite its clear and consistent rhetoric of condemnation of Israel's occupation, France's implementation of such a position has been patchy. While it has supported (and at times been the driver of) EU measures aimed at the non-recognition of Israeli occupation, France's track record at home and in bilateral dealings has been partial at best.

At the EU level, France has backed the so-called 'policy of differentiation', i.e., the distinction between Israel within the 1967 border and its settlements in the Palestinian territories when it comes to bilateral dealings between the EU and Israel (Lovatt & Toaldo, 2015). The differentiation policy implies the '*non-applicability* in the occupied territories (i.e. in Israeli settlements) of legal regimes beneficial for Israel that are set up under EU law' (Nikolov, 2014, p. 171). This has been the way embraced by European countries to make sure that they do not grant indirect recognition to occupation (cf. Azarova in this issue). Examples of this policy of differentiation have been the 2013 'Guidelines on the eligibility of Israeli entities and their activities in the territories occupied by Israel since June 1967 for grants, prizes and financial instruments funded by the EU from 2014 onwards' and the 2015 'Interpretive Notice on indication of origin of goods coming from the territories occupied by Israel since June 1967' (cf. Bicchi & Voltolini, 2018). France expressed support for these measures on different occasions, such as by signing a letter to the High Representative Catherine Ashton in 2013, asking for guidelines on the labelling of settlement goods, and by supporting the strong language of the draft Council Conclusions on the Middle East in January 2016, which was however watered down after Israel successfully managed to influence some member states (Lovatt, 2016).

Yet, France's performance at home and in bilateral agreements with Israel has been much more ambiguous. On the one hand, key EU decisions have been transposed at the national level. France published an advice concerning the implications for citizens and businesses in the occupied territories on the website of the Ministère de l'Europe et des Affaires étrangères (MEAE) in 2014.²¹ This followed the agreement taken in the Council's Maghreb/Mashreq Working Group in June 2013 concerning the need for a common message that all member states should use to raise awareness among citizens and businesses of the economic, legal and reputational damages and risks they might incur if they engage in activities in or related to Israeli settlements. In its short notice, the Quai d'Orsay also included an invitation to those that intend to conduct economic or financial activities in the settlements to get a juridical opinion before proceeding.

On the other hand, however, the actual implementation and enforcement of the differentiation policy, which pertains to national authorities, has been weak, as the case of labelling shows. According to EU legislation and as reiterated in the Interpretive Notice of November 2015,

²¹ <http://www.diplomatie.gouv.fr/fr/conseils-aux-voyageurs/conseils-par-pays/israel-territoires-palestiniens/#complements>

labels indicating the origin of goods have to be precise and not misleading to the consumer.²² Hence, settlement goods need to be labelled as 'product from the Golan Heights (Israeli settlement)' or 'product from the West Bank (Israeli settlement)'. France reacted rather slowly to the issue of the Notice and it did so only in response to pressure from civil society organisations and the Parliament. The *Plateforme des ONG françaises pour la Palestine* and the *Association France Palestine Solidarité* sent letters to the *Direction Générale de la Concurrence, de la Consommation et de la Répression des Fraudes* (DGCCRF) – which is a department of the Ministry of Economics and Finance in charge of issues related to consumer protection, including the labelling of products – to inquire how the DGCCRF envisaged to take to ensure the implementation and enforcement of EU legislation.²³ Numerous parliamentary questions on the subject were also tabled, inquiring how the government intended to correctly implement the EU's notice.²⁴ As a result of these different pressures, in September 2016 the government confirmed that the Ministry of Economics would be in charge of this.²⁵ Shortly afterwards, on 24 November 2016 a notice to business actors was published in the *Journal Officiel de la République Française*.²⁶ The DGCCRF recalled that the West Bank, East Jerusalem and the Golan Heights are not part of Israel according to international law. Therefore, the labelling of food products needs to precisely indicate the origin of the goods to properly inform consumers, meaning that labels for products coming from Israeli settlements have to include the mention 'Israeli settlements'. Although the notice is partial, as it only refers to food products and does not specify which types of sanctions are imposed in case of violations of the labelling regulations, it is obviously the first step in the implementation of the declaratory stance against Israeli occupation.

However, the trickiest part remains its enforcement. On the one hand, evidence collected by civil society organisations has shown that a majority of products continue to be labelled as 'Made in Israel', even when goods come from the settlements. For example, the wine bottles produced by Golan Heights Winery (GWH) and sold by the French importer *Casimex* did not make any reference to the fact that the wine is produced in an Israeli settlement.²⁷ Similarly, civil society actors have collected evidence in supermarkets, demonstrating how the regulation on labelling is not properly implemented and not enforced (Interview 3), and encouraging activists to send letters to the retailers and the DGCCRF when they encounter cases of non-compliance.²⁸ Three factors are likely to contribute to this. First, it is very difficult for retailers as well as French authorities to clearly distinguish between products from Israel and from its settlements. One of the main sources of information should be the EUR.1 certificate of origin which is produced when a product is imported into the EU under preferential treatment. Yet, distinguishing between Israeli and settlement goods is rather difficult, if not impossible due to the Israel's postal code system of 2013, for customs authorities (Interviews 3, 4).²⁹ Second, the DGCCRF has limited resources to ensure full enforcement of this legislation. Given the

²² The Notice refers to the specific pieces of legislation for separate sets of products such as fresh vegetables and fruit, cosmetics, wine, oil, etc.

²³ <https://plateforme-palestine.org/La-mise-en-oeuvre-de-l-etiquetage-des-produits-des-colonies;>
<https://plateforme-palestine.org/La-mise-en-oeuvre-de-l-etiquetage-differencie-des-produits-en-provenance-des>

²⁴ http://palestine-nos-elus.org/spip.php?page=liste_nuage&id_mot=61

²⁵ <http://questions.assemblee-nationale.fr/q14/14-96124QE.htm>

²⁶

https://www.legifrance.gouv.fr/affichTexte.do;jsessionid=AE9D6C55B501756D63EBDF11A39F4D43.tpdila09v_2?cidTexte=JORFTEXT000033464109&dateTexte=&oldAction=rechJO&categorieLien=id&idJO=JORFCO NT000033463474

²⁷ <http://www.france-palestine.org/De-Vinisud-a-Casimex-les-colons-debusques>

²⁸ <http://www.france-palestine.org/Lettre-type-a-la-Direction-de-la-Protection-des-Populations-DDPP;>
<http://www.france-palestine.org/Lettre-au-magasin-carrefour>

²⁹ Cf. <https://electronicintifada.net/blogs/david-cronin/checking-settlement-exports-impossible-eu-admits>

relatively small impact in economic terms, this is not the main priority of the Department. A similar difficulty is also voiced by retailers, which do not necessarily know how to ensure the correct implementation of the labelling regulation (Interviews 2, 3, 4). Finally, political will is absent. The higher (and political) levels in the hierarchy are not prepared to take further steps in this direction, hence not encouraging moves that would go for a stricter enforcement (Interview 3).

More recently, the notice was challenged in front of the *Conseil d'Etat*, the highest administrative jurisdiction in France, in 2017. The *Organisation juive européenne* and the winery society Psagot Ltd asked the *Conseil* to annul the notice published in 2016, arguing that the use of the word 'settlement' is political and goes beyond the purpose of EU legislation on the labelling of products, and that it imposes double standards on Israeli business actors, given that other cases of occupation are not treated in the same way.³⁰ On 30 May 2018, the French court referred the case to the European Court of Justice (ECJ), asking whether the mention of 'settlement' is permitted and/or imposed by EU law.³¹ While the referral delays the decision on the specific case, the implications will have EU-wide repercussions, as the ECJ's interpretation will apply to all member states and will define whether the interpretation of EU law provided by the Commission in 2015 and then transposed into national notices by member states is in line with EU legislation.

France's differentiation policy is further deficient when bilateral agreements are scrutinised. Cooperation has developed across a wide range of issues, such as tourism, cinema, environment and R&D, with the prospect of further strengthening relations.³² So far, however, none of the existing bilateral agreements between France and Israel contains a clause limiting their territorial applicability to the territory of Israel within the 1967 border. This lack of a formal exclusion of settlements from bilateral treaties is not supplemented by informal measures that would limit the scope of application in practice. Because settlements are not left out, either formally or informally, Israel is hence in the position to implement these bilateral agreements in accordance with treaty law and Israeli law. This means that settlements as well as the occupied areas of East Jerusalem and the Golan Heights, which have been annexed in 1980 and 1981, are included by Israel.

Therefore, rhetorical commitment against the occupation is often not accompanied by non-recognition in practice. On the one hand, France condemns Israeli settlements, in accordance with international law and the consensus of the international community. It has often promoted tougher action at the international and EU level, supporting UN resolutions critical of settlements as well as the EU's policy of differentiation. On the other, Paris tends to become much more accommodating of Israel's occupation in practice, either via the lack of territorial clauses in its bilateral treaties with Israel or when it comes to the implementation and enforcement of concrete measures that would differentiate between Israel and its settlements.

Conclusions

Interwoven strands in French foreign policy vis-à-vis the Israeli-Palestinian conflict have led to a mismatch between French rhetoric on Israel occupation and French policy practice vis-à-vis

³⁰ https://www.opinion-internationale.com/2018/05/29/etiquetage-des-produits-israeliens-et-droit-de-lunion-europeenne-la-parole-est-au-conseil-detat-lanalyse-de-maitre-francois-henri-briard_53774.html

³¹ Conseil d'Etat, Lecture du mercredi 30 mai 2018, No. 407147, ECLI:FR:CECHR:2018:407147.20180530.

³² E.g., <http://www.elysee.fr/declarations/article/transcription-de-la-conference-de-presse-du-president-de-la-republique-emmanuel-macron-et-du-premier-ministre-israelien-benyamin-netanyahou/>

Israel. On the one hand, France's rhetorical position has remained consistent since 1967. It has always condemned Israeli occupation, while supporting the cause of a Palestinian state. Paris has acted rather consistently at both the UN and EU levels, supporting resolutions against the settlements and measures to differentiate between Israel and its settlements in EU-Israel dealings. While recent years have shown an increasing rapprochement towards Israel, the condemnation of the settlement enterprise and the support for the two-state solution continue to be the cornerstone of French policy. Yet, France's performance in the implementation and enforcement stages still leaves margins of improvement. Not only has implementation of EU measures aimed at the non-recognition of Israeli settlements been sketchy, but there has been no substantial move in differentiating between Israel and its settlements at the level of France-Israel bilateral treaties.

Rhetoric-practice gaps are normal features in politics, so this is not at all surprising. While a similar gap at the EU level has been progressively closing (Bicchi & Voltolini, 2018), the tensions between different types of practices has not lead to a similar pattern in the case of French foreign policy. While more research is necessary, potential explanations for this persisting mismatch are to be found in French societal dynamics and how the actions, practices and narratives proposed by different domestic actors shape the formulation of French foreign policy. The lack of political willingness, which is often mentioned as the reason for the failure to recognise Palestine or to enforce the labelling regulation, emerges from deeper trends in French society. Despite attempts at avoiding that the conflict becomes a domestic issue, it is undeniable that it has a strong resonance and is very politicised in the French domestic debate.

First of all, the pillars of French policy are contested by several societal groups that aim to influence the debate. Challenges range from the role and implications of international law and human rights law to antisemitism. Lobbying on the French government and Member of Parliaments come from opposite fronts, which try to shift French foreign policy in their preferred direction. For example, the CRIF has been particularly vocal in recent years on issues of French foreign policy towards Israel and of anti-Semitism (Ghiles Meilhac, 2011). It is considered as strongly influential, with a relatively easy access to the President and the Foreign Minister (Interview 7). Similarly, the Plateforme des ONG françaises pour la Palestine and the Association France Palestine Solidarité also aim to influence French policy in favour of Palestinian rights and lobby for an effective implementation of measures against Israeli settlements.³³

Second, the debate about French foreign policy vis-à-vis Israel and Palestine has become entangled with the domestic discussion about anti-Semitism, which remains a challenge in French society (see Mayer, 2018). There is a trend, supported by some groups such as CRIF, to scrutinise all criticisms of Israel as a form of anti-Semitism.³⁴ According to the 2017 report on racism, antisemitism and discrimination by the Commission Nationale Consultative des Droits de l'Homme, anti-Semitism in France continues to be linked to the old stereotypes linking the Jews to money and power. The so-called *nouvelle judéophobie* revolving around a negative image of Israel and Zionism remains in the minority. The report also warns against mixing racism and anti-Semitism with the criticism of Israel and its policies.³⁵

³³ Cf. some of the campaigns that have been launched over time: <https://plateforme-palestine.org/Campagnes-706> and <http://www.france-palestine.org/+Campagnes-Actions->

³⁴ E.g., <http://www.crif.org/fr/prisesdeparole/discours-de-cloture-7eme-convention-nationale-du-crif-francis-kalifat>

³⁵ In particular, pp. 15-16 and section 2.4. The full report is available at: http://www.cncdh.fr/sites/default/files/cncdh_rapport_2017_bat_basse_definition.pdf.

Despite this warning, the public debate in France can at times use anti-Semitism, anti-Zionism and criticism of Israel interchangeably. Macron too stated that anti-Zionism is ‘the mere reinvention of anti-Semitism’ in his discourse on the occasion of the remembrance of the raid of Vel d’Hiv in July 2017.³⁶ Similarly, the case of the Boycott Divestment and Sanction (BDS) movement seems to point towards the criminalization of the criticism of Israel and its policies.³⁷ Already in 2010 and 2012 the Minister of Justice issued two *circulaires*, i.e., two administrative documents, to public prosecutors asking to report and prosecute those individuals calling for the boycott of Israeli products.³⁸ Since 2010 there have been trials against BDS activists, without a common line of judgement across cases (Interview 3). In October 2015 the Cour de Cassation confirmed the accusations against BDS activists on the basis of articles 225-2 of the criminal code (obstacle to the normal exercise of economic activity) and art. 24.8 of the law 1881 on freedom of press, which includes the crime of provocation to discrimination, to hatred or to violence against a person or a group of people due to their origin, their belonging (or not) to an ethnic group, a nation, a race or a specific religion.³⁹ Moreover, President Hollande proudly declared, at the annual dinner of the CRIF on 22 February 2017, that ‘France is the only country to have a law that forbids the appeal to boycott and I will assure you that we will enforce it’.⁴⁰

It is quite unlikely that the gap between French rhetoric about the occupation and its policy practice vis-à-vis Israel will be closed in the short term. Politicians are caught between their rhetorical and principled position vis-à-vis the two-state solution and the illegality of Israeli settlements in the occupied Palestinian territories on the one hand, and the existing practice towards Israel, on the other. While the tension has been partially solved by discussing the issue of Palestinians and occupation within the EU and the UN, domestic pressures are challenging French foreign policy and the sustainability of this mismatch in the long run. Foreign policy practices are increasingly entangled with domestic policies and politics. ‘Contestation from below’, i.e., the actions and narratives of domestic societal actors, tends to increasingly shape the contour of foreign policy and transforming it into a domestic issue.

List of interviews

1. Former diplomat, 24/10/2017
2. Diplomat, 13/10/2017
3. NGO representative, 18/10/2017
4. NGO representative, 05/10/2017
5. Expert, 06/09/2016
6. Historian, 19/02/2018
7. Diplomat, 16/05/2018

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³⁶ <http://www.elysee.fr/declarations/article/discours-du-president-de-la-republique/>

³⁷ Cf. Bicchi 2018 in this special issue for similar trends in the British context.

³⁸ CRIM-AP n°09-900-A4 (12/02/2010) and CRIM-AP n° 2012-0034-A4 (15/05/2012).

³⁹ See also Médiapart : enquête sur BDS, available at: <http://ujfp.org/spip.php?article4802>

⁴⁰ <https://jssnews.com/2017/03/01/discours-integral-de-francois-hollande-au-diner-du-crif-22022017/>

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